

## SECTION 12

### COMPLETE APPLICATION REQUIREMENT

- 12.01 On or before the tenth (10<sup>th</sup>) business day after an application for a permit is filed with the City, if the application for a permit does not contain all information required by any ordinance, law or regulation governing the application for a permit, the City shall provide written notice, by mail, email, facsimile, delivery service, hand delivery or otherwise, of the failure to the applicant specifying the documents and information necessary to make the application complete, the date the documents and information must be received by, and the date the application for a permit will expire if all of the requested documents and information are not received by the appropriate City department ("Notice of Incomplete Application"). If Notice of Incomplete Application is sent to the applicant, then the application for a permit shall expire on the forty-fifth (45<sup>th</sup>) day after the date the application for a permit was filed if the application for a permit is not made complete by the applicant. Any filing fee paid may be retained by the City for reviewing the application for a permit for completeness. Thereafter a new application for a permit, including but not limited to the filing fee, is required if the applicant wishes it to be considered. The City may send written notice to the applicant that the application for permit has expired, but it is not required to do so and failure of the City to send notice that a permit has expired, shall not prevent the permit from expiring.
- 12.02 If sent to the City by the United States Postal Service, an application for a permit shall be considered filed, if it is properly addressed, on the date of the United States Postmark stamped on the envelop or package containing the application, if it is legible; or if the date is not legible, the application for permit shall be considered filed on the date immediately preceding the date it is received by the City. If sent to the City by other means or hand delivered, an application for a permit shall be considered filed on the date it is received by the City. If not properly addressed to the attention of the City's Zoning & Subdivision Administrator, an application for a permit shall be considered filed on the date it is received by the City's Planning & Development Services Department. If hand delivered, applications for permits must be filed with a Planning Technician or other employee designated by the Director to receive the application for a permit. Documents given to City staff, other than Planning Technicians or other designated employees, shall not be considered an application for a permit, including but not limited to documents given to City staff during a meeting. For purposes of this paragraph "properly addressed" means the envelope or container for delivery is labeled "Application Enclosed" conspicuously on the outside in at least 12 point font and is addressed to:

Zoning & Subdivision Administrator

Planning & Development Services Department, 3<sup>rd</sup> Floor, Ste. C301

City of Frisco

6101 Frisco Square Blvd.

Frisco, TX 75034

- 12.03 If an ordinance, law or regulation mandates that an application for permit be acted upon, or deemed approved by the City if it is not acted upon, within a specified time period that is too short to allow the City to wait for the documents or information required to be requested in a Notice of Incomplete Application, the City may process the application for a permit to determine whether it is approved or denied.
- 12.04 No zoning application shall be accepted for filing or processing unless such request is accompanied by a completed application and all documents required by and prepared in accordance with the requirements of the Comprehensive Zoning Ordinance and any other applicable ordinance and it is filed with the Zoning & Subdivision Administrator. Chapter 245 of the Texas Local Government Code, as amended, shall not apply to a zoning application or an ordinance establishing zoning since neither is a permit under this Zoning Ordinance or Chapter 245. The acceptance or processing by any City official of a zoning application prior to the time a complete application is submitted hereby is deemed to be null and void and, upon discovery, shall be grounds for denial or revocation of such application. A typographical error shall not constitute an incomplete application. The applicant may be notified of such denial or revocation for an incomplete zoning application in writing.
- 12.05 No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from an application for a permit that expires, from an application for a permit that is denied or from an application that does not provide fair notice.